

Exhibit 10

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Wong, et al.,
individually and on behalf of others
similarly situated,

Case No. 07-2446 MMC

Plaintiffs,

HSBC Mortgage Corporation (USA);
HSBC Bank USA, N.A; and DOES 1-50,

Defendants.

DECLARATION OF CHAD BARBIERE

1. I am a Plaintiff in this action against Defendants (hereinafter, "HSBC"). I am over the age of 18 and competent to testify about the matters set forth in this declaration.

2. From approximately April 2006 to February 2007, I was employed as a Senior Retail Mortgage Lending Consultant ("loan officer") by Defendants in Hoboken, Ridgewood, Totowa and Parsippany, NJ, including at HSBC Bank branches, mortgage offices, and my home office.

3. As a loan officer, my job duties remained consistent throughout my employment, and were entirely focused on my selling as many loans as possible. My job was to sell HSBC's mortgage and loan products and generate loans for customers according to HSBC's guidelines and procedures. I am informed and believe that the duties of other persons holding my position in my region, the New Jersey area, were substantially similar to mine. These duties included, but are not limited to the following:

- a. Calling potential customers (leads), in attempting to sell loans;
- b. Taking information from the potential customers and completing loan applications; and
- c. Collecting client documents and answering client questions about HSBC's mortgage and loan products and/or answering questions from HSBC's underwriting department.

I did not have any supervisory responsibilities.

4. I spent the majority of my time and performed the vast majority of my responsibilities covering the HSBC Hoboken, Ridgewood and Parsippany facilities in New Jersey, and from my home office in Totowa, NJ. I worked from the Hoboken office five times a month (8:30 a.m. – 5 p.m., typically, staying later on approximately a monthly basis), the Ridgewood branch twice a month (half days), and Parsippany approximately once or twice a month from approximately 9 a.m. – 5 p.m. On days I went into the Hoboken and Ridgewood facilities, I would typically work on sales activities several hours from home after I returned from a full day, frequently until 8 or 9 p.m. The days I was not at the HSBC facilities, I worked from my home office doing sales activities (such as inputting loans, phone calls to customers, etc.) from approximately 9 a.m. – 5 p.m.

5. Whether I worked from my home or the office, I generally ate in 15 minutes or less, and often ate at my desk. On one occasion that I met a client for lunch during a day that I was assigned to work at the HSBC Bank Hoboken branch (called an “up day”), my manager, Victor Victoratos, said that we were not allowed to meet clients when we were assigned to staff the branch.

6. Once a month we also were expected to attend full-day or half-day first time home buyer seminars held at an HSBC Bank branch location and home buyer expos at various locations, on average once a month. On average, I spent approximately 4-8 hours a month on these promotional activities, not including travel time. Approximately twice a month, I also went to realtors’ open houses to do promotional activities for approximately 3 hours each time. These activities were not really outside sales, and in any event, took up only a very small portion of my working hours. I did have on average approximately two sales meetings outside of the office a week, for approximately a total of 6 hours, including travel time.

7. I worked with other Senior Retail Mortgage Lending Consultants and observed their responsibilities and the ratio of their inside versus outside sales work to be similar to mine. Since we were misclassified as exempt by HSBC, we were never paid for our overtime hours worked.

8. HSBC did not keep any official record of my hours worked. There were informal calendars, for certain months, of the days on which I worked at the Ridgewood and Hoboken offices. HSBC never provided time sheets during my employment. I am informed and believe that none of the other loan officers employed by HSBC ever engaged in any formal timekeeping while employed at HSBC.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

9/5/08
Date


Chad Barbieri